

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION

ROBERT SARTORI

PLAINTIFF

VS.

CIVIL ACTION NO. 42:11cv169-P-V

SUSAN C. LITTLE & ASSOCIATES, PA and  
BAC HOME LOANS SERVICING, LP

DEFENDANTS

**ORDER**

This matter is before the court on motion of the defendant, Bank of America to strike the plaintiff's second amended complaint (# 13). Plaintiffs filed the original complaint on August 10, 2011 and filed a first amended complaint on August 18, 2011. On October 5, 2011 the plaintiff filed the subject second amended complaint.

Rule 15(a)(1) of the Federal Rules of Civil Procedure allows the amendment of a pleading "once as a matter of course" within twenty-one (21) days of serving the initial pleading. Further, pursuant to Rule 15(a)(2), "a party may amend its pleading only with the opposing party's written consent or the Court's leave." *See* Fed. R. Civ. P. 15(a). Therefore, it is,

ORDERED that the defendant's motion to strike the plaintiffs' second amended complaint (# 13) is hereby GRANTED.

SO ORDERED, this the 19<sup>th</sup> day of October 2011.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE